

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0385-AIR-E TCEQ ID: RN102584026 CASE NO.: 32927
RESPONDENT NAME: The Premcor Refining Group Inc.

Page 1 of 3

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Valero Port Arthur Refinery, 1801 Gulfway Drive, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are five pending enforcement actions regarding this facility location, Docket Nos. 2006-0423-AIR-E, 2006-0507-AIR-E, 2006-0738-AIR-E, 2007-0149-AIR-E, and 2007-0956-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Jessica Rhodes, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2879; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Jim Gillingham, Regional Operations Vice President, The Premcor Refining Group Inc., P.O. Box 909, Port Arthur, Texas 77641-0909 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 22, 2007 through January 25, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 17, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Six violations were documented.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), Federal Operating Permit (FOP") O-02229, General Terms and Conditions ("GTC"), Special Terms and Conditions ("STC") 15A, New Source Review ("NSR") Flexible Permit 6825A/PSD-TX-49, Special Condition ("SC") 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49,</p>	<p>Total Assessed: \$56,166</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$28,083</p> <p>Total Paid to General Revenue: \$28,083</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Human health has been exposed to pollutants which exceed levels that are protective.</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, design and implement improvements to procedures to address the emissions events that occurred on February 20, 2006, February 21, 2006, April 19, 2006, June 29, 2006, July 21, 2006, and July 27, 2006 through August 1, 2006, and to prevent the reoccurrence of similar incidents; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

<p>SC 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP 0-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failed to prevent unauthorized emissions and to prevent the discharge of sulfur dioxide into the atmosphere from any Claus sulfur recovery plant containing in excess of 250 parts per million by volume [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.780, 116.715(a) and (c)(7), 40 CODE OF FEDERAL REGULATIONS §§ 60.104(a)(2)(i) and 63.1568(a)(1), NSR Flexible Permit 6825A/PSD-TX-49, SCs 1A and 3B, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Attachment A
Docket Number: 2007-0385-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Payable Penalty Amount:	Fifty-Six Thousand One Hundred Sixty-Six Dollars (\$56,166)
SEP Amount:	Twenty-Eight Thousand Eighty-Three Dollars (\$28,083)
Type of SEP:	Pre-approved
Third-Party Recipient:	South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

The Premcor Refining Group Inc.
Agreed Order – Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	20-Feb-2007	Screening	7-Mar-2007	EPA Due	11-Nov-2007
	PCW	24-May-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Premcor Refining Group Inc.
Reg. Ent. Ref. No.	RN102584026
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	32927	No. of Violations	6	
Docket No.	2007-0385-AIR-E	Order Type	Findings	
Media Program(s)	Air Quality	Enf. Coordinator	Jessica Rhodes	
Multi-Media		EC's Team	EnforcementTeam 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$37,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 100% Enhancement Subtotals 2, 3, & 7 **\$37,500**

Notes: Penalty enhancement due to seven NOVs issued for same or similar violations, five for unrelated violations, and three agreed orders with denial of liability. Penalty reduction due to participation in the Clean Texas Pollution Reduction Program.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$1,240
Approx. Cost of Compliance \$17,000
0% Enhancement* Subtotal 6 **\$0**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$75,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE 3% Adjustment **\$2,500**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Recommend an upward adjustment due to the significant amount of contaminants released to the atmosphere as described in violation number six.

Final Penalty Amount **\$77,500**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$56,166**

DEFERRAL 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$56,166**

Screening Date 7-Mar-2007

Docket No. 2007-0385-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 32927

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	7	35%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 100%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhancement due to seven NOVs issued for same or similar violations, five for unrelated violations, and three agreed orders with denial of liability. Penalty reduction due to participation in the Clean Texas Pollution Reduction Program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 100%

Screening Date 7-Mar-2007

Docket No. 2007-0385-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 32927

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), Federal Operating Permit ("FOP") O-02229, General Terms and Conditions ("GTC"), Special Terms and Conditions ("STC") 15A, New Source Review ("NSR") Flexible Permit 6825A/PSD-TX-49, Special Condition ("SC") 5A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, during an emission event on February 20, 2006, over a period of 1 hour and 55 minutes, Flare 23 (Emission Point Number E-23-FLARE), emitted 28,090.76 pounds ("lbs") of sulfur dioxide ("SO₂"), 48.02 lbs of nitrogen oxides ("NO_x"), 346.66 lbs of carbon monoxide ("CO"), 35.33 lbs of particulate matter ("PM"), and 452.85 lbs of volatile organic compounds ("VOC"). The permit does not authorize any upset emissions. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 Tex. Admin. Code § 101.222(b)(2) and (b)(3).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$131

Violation Final Penalty Total \$20,667

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 32927
Reg. Ent. Reference No. RN102584026
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No. continues or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	20-Feb-2006	20-Nov-2007	1.7	\$87	n/a	\$87
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	20-Feb-2006	20-Nov-2007	1.7	\$44	n/a	\$44

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the PT3130B pressure transmitter from being inadequately heat traced and insulated during installation. This caused the pressure transmitter to read a false low signal which caused the Debutanizer Overhead Pressure Controller to operate incorrectly and resulted in the February 20, 2006 emissions event. Date required is based on the day of the emissions event. Final date is based on the projected compliance date.

Avoided Costs

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$131

Screening Date 7-Mar-2007

Docket No. 2007-0385-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 32927

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, during an emission event on February 21, 2006, over a period of 3 hours and 2 minutes, Flare 05 (Emission Point Number E-05-FLARE), emitted 2,823.20 lbs of SO₂, 0.54 lbs of NO_x, 3.87 lbs of CO, and 1.03 lbs of PM. The permit does not authorize any upset emissions. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 Tex. Admin. Code § 101.222(b)(2) and (b)(3).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$166

Violation Final Penalty Total \$5,167

This violation Final Assessed Penalty (adjusted for limits) \$5,167

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 32927
Reg. Ent. Reference No. RN102584026
Media Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$1,000	21-Feb-2006	20-Nov-2007	1.7	\$6	\$116	\$122
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	21-Feb-2006	20-Nov-2007	1.7	\$44	n/a	\$44
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the accumulation of liquid in the 401-F Knockout Drum which caused the February 21, 2006 emissions event. Date required is based on the day of the emissions event. Final date is based on the projected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$166

Screening Date 7-Mar-2007

Docket No. 2007-0385-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 32927

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, during an emission event on April 19, 2006, over a period of 1 hour and 4 minutes, Flare 103 (Emission Point Number E-103FLARE), emitted 1,091.75 lbs of SO₂, 6.74 lbs of NO_x, 48.66 lbs of CO, and 4.17 lbs of PM. The permit does not authorize any upset emissions. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 Tex. Admin. Code § 101.222(b)(2) and (b)(3).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$5,167

This violation Final Assessed Penalty (adjusted for limits) \$5,167

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 32927
Reg. Ent. Reference No. RN102584026
Media Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	19-Apr-2006	20-Nov-2007	1.6	\$40	n/a	\$40
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the improper operation of the D-8205 Flare Seal Drum which caused the April 19, 2006 emissions event. Date required is based on the day of the emissions event. Final date is based on the projected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$40

Screening Date 7-Mar-2007

Docket No. 2007-0385-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 32927

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), 122.143(4), FOP 0-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, during an emission event on June 29, 2006, over a period of 52 minutes, Flare 22 (Emission Point Number E-22-FLARE), emitted 1,319.99 lbs of SO₂, 50.61 lbs of NO_x, 421.64 lbs of CO, 23.14 lbs of PM, 254.20 lbs of hydrogen sulfide ("H₂S"), and 15,528.6 lbs of VOC. The permit does not authorize any upset emissions. This day was cited as having exceeded the air quality index for ozone. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 Tex. Admin. Code § 101.222(b)(2) and (b)(3).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$174

Violation Final Penalty Total \$20,667

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 32927
Reg. Ent. Reference No. RN102584026
Media Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,000	29-Jun-2006	20-Nov-2007	1.4	\$139	n/a	\$139
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	29-Jun-2006	20-Nov-2007	1.4	\$35	n/a	\$35

Notes for DELAYED costs

Estimated cost to establish procedures to ensure that the FCCU Hot Feed Line is flushed prior to routing feed to the FCCU-1241 which caused the emissions event on June 29, 2006. Date required is based on the day of the emissions event. Final date is based on the projected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$174

Screening Date 7-Mar-2007

Docket No. 2007-0385-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 32927

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, during an emission event on July 21, 2006, over a period of 1 hour and 3 minutes, Flare 19 (Emission Point Number E-19-FLARE), emitted 1,021.67 lbs of SO₂, 0.74 lbs of NO_x, 5.33 lbs of CO, 0.4 lbs of PM, 11.10 lbs of H₂S, and 6.61 lbs of VOC. The permit does not authorize any upset emissions. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 Tex. Admin. Code § 101.222(b)(2) and (b)(3).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$334

Violation Final Penalty Total \$5,167

This violation Final Assessed Penalty (adjusted for limits) \$5,167

Economic Benefit Worksheet

Respondent: The Premcor Refining Group Inc.

Case ID No. 32927

Reg. Ent. Reference No. RN102584026

Media: Air Quality

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	21-Jul-2006	20-Nov-2007	1.3	\$334	n/a	\$334

Notes for DELAYED costs

Estimated cost to install flow measurement devices to ensure proper compressor operation in order to prevent the shutdown of the C-102 and C-102B Vacuum Gas Compressors which caused the July 21, 2006 emissions event. Date required is based on the day of the emissions event. Final date is based on the projected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$334

Screening Date 7-Mar-2007

Docket No. 2007-0385-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 32927

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 113.780, 116.715(a) and (c)(7), 40 CFR §§ 60.104(a)(2)(i) and 63.1568(a)(1), NSR Flexible Permit 6825A/PSD-TX-49, SCs 1A and 3B, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions and to prevent the discharge of SO₂ into the atmosphere from any Claus sulfur recovery plant containing in excess of 250 parts per million ("ppm") by volume. Specifically, during an emission event from July 27 through August 1, 2006, over a period of 116 hours and 48 minutes, SCOT-II Incinerator (Emissions Point Number E-02-SCOT) emitted 16,730.32 lbs of SO₂, 206.74 lbs of NO_x, 568.82 lbs of CO, and 29.10 lbs of PM. Flare 05 (Emission Point Number E-05-FLARE), emitted 11,807.21 lbs of SO₂, 2.22 lbs of NO_x, 16.02 lbs of CO, and 5.35 lbs of PM. The permit does not authorize any upset emissions. A review of SCOT-11 Incinerator's SO₂ Continuous Emission Monitoring Systems data documented 12 hour rolling average SO₂ concentrations greater than 250 ppm for the period July 27, 2006 through August 1, 2006. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 Tex. Admin. Code § 101.222(b)(2) and (b)(3).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

5

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$395

Violation Final Penalty Total \$20,667

This violation Final Assessed Penalty (adjusted for limits) \$20,667

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 32927
Reg. Ent. Reference No. RN102584026
Media Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$4,000	27-Jul-2006	20-Nov-2007	1.3	\$264	n/a	\$264
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	27-Jul-2006	20-Nov-2007	1.3	\$132	n/a	\$132

Notes for DELAYED costs

Estimated cost to establish procedures designed to prevent the salting up of the 501-J Booster Air Blower's Governor Arm, and to implement the training of personnel to ensure that the 400 Claus Train receives adequate air flow which lead to the shutdown of the SRU 544.400 Claus Train and caused the July 27, 2006 through August 1, 2006 emissions event. Date required is based on the first day of the emissions event. Final date is based on the projected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,000

1

TOTAL

\$395

Compliance History

Customer/Respondent/Owner-Operator: CN601420748 The Premcor Refining Group Inc. Classification: AVERAGE Rating: 1.61
 Regulated Entity: RN102584026 VALERO PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 2.50

ID Number(s):	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0042B
	AIR OPERATING PERMITS	PERMIT	1498
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR NEW SOURCE PERMITS	PERMIT	17038
	AIR NEW SOURCE PERMITS	PERMIT	802A
	AIR NEW SOURCE PERMITS	PERMIT	2303A
	AIR NEW SOURCE PERMITS	PERMIT	5491A
	AIR NEW SOURCE PERMITS	PERMIT	6825A
	AIR NEW SOURCE PERMITS	PERMIT	7600A
	AIR NEW SOURCE PERMITS	PERMIT	8369A
	AIR NEW SOURCE PERMITS	PERMIT	8456A
	AIR NEW SOURCE PERMITS	PERMIT	12454A
	AIR NEW SOURCE PERMITS	PERMIT	12553A
	AIR NEW SOURCE PERMITS	PERMIT	13635A
	AIR NEW SOURCE PERMITS	PERMIT	13698A
	AIR NEW SOURCE PERMITS	PERMIT	19404
	AIR NEW SOURCE PERMITS	PERMIT	28778
	AIR NEW SOURCE PERMITS	PERMIT	29335
	AIR NEW SOURCE PERMITS	PERMIT	45737
	AIR NEW SOURCE PERMITS	PERMIT	47885
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0042B
	AIR NEW SOURCE PERMITS	REGISTRATION	75595
	AIR NEW SOURCE PERMITS	REGISTRATION	76069
	AIR NEW SOURCE PERMITS	AFS NUM	4824500004
	AIR NEW SOURCE PERMITS	PERMIT	56546
	AIR NEW SOURCE PERMITS	PERMIT	71744
	AIR NEW SOURCE PERMITS	PERMIT	50836
	AIR NEW SOURCE PERMITS	REGISTRATION	74702
	AIR NEW SOURCE PERMITS	PERMIT	N65
	AIR NEW SOURCE PERMITS	PERMIT	80812
	AIR NEW SOURCE PERMITS	REGISTRATION	81049
	AIR NEW SOURCE PERMITS	REGISTRATION	81668
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008090409
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30004
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50350
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30004

Location: 1801 GULFWAY DR, PORT ARTHUR, TX, 77640 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 24, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 02, 2002 to April 02, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jessica Rhodes Phone: 512-239-2879

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/20/2003

ADMINORDER 2002-0429-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Delayed Coking Unit 843.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 10/10/2003

ADMINORDER 2003-0053-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition 8 PERMIT
Special Condition 5B PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 06/15/2006

ADMINORDER 2005-0585-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the final recordkeeping requirements concerning two emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 08/23/2002 (8374)

2 08/31/2002 (8635)

3 08/31/2002 (10446)

4 11/22/2002 (4778)

5	01/06/2003	(19247)
6	01/07/2003	(18101)
7	01/22/2003	(16924)
8	01/22/2003	(21208)
9	03/05/2003	(18990)
10	03/31/2003	(281091)
11	07/08/2003	(25047)
12	08/06/2003	(28570)
13	08/29/2003	(130722)
14	08/29/2003	(112800)
15	10/29/2003	(250694)
16	10/29/2003	(250696)
17	10/31/2003	(250086)
18	10/31/2003	(440137)
19	10/31/2003	(249934)
20	10/31/2003	(249936)
21	10/31/2003	(250088)
22	10/31/2003	(250089)
23	10/31/2003	(250090)
24	10/31/2003	(250091)
25	10/31/2003	(250092)
26	12/02/2003	(252358)
27	12/12/2003	(281092)
28	01/08/2004	(258663)
29	01/13/2004	(256396)
30	01/13/2004	(258948)
31	01/31/2004	(257601)
32	01/31/2004	(258920)
33	02/13/2004	(258485)
34	02/26/2004	(254381)
35	03/24/2004	(263206)
36	05/26/2004	(270679)
37	06/16/2004	(270296)
38	08/11/2004	(278807)
39	08/11/2004	(285340)
40	08/11/2004	(286227)
41	08/17/2004	(270166)
42	08/23/2004	(281670)
43	08/27/2004	(283049)
44	08/31/2004	(282995)
45	08/31/2004	(273536)
46	09/01/2004	(286723)
47	09/23/2004	(271970)
48	10/13/2004	(293066)
49	11/23/2004	(339389)
50	11/23/2004	(339035)
51	11/23/2004	(339038)
52	11/29/2004	(340093)
53	12/08/2004	(337446)
54	12/15/2004	(287796)
55	12/27/2004	(340483)
56	01/31/2005	(344879)
57	02/02/2005	(342308)
58	03/03/2005	(345932)
59	03/24/2005	(346253)
60	04/14/2005	(371246)
61	04/19/2005	(349573)
62	05/06/2005	(276009)
63	05/16/2005	(374794)
64	05/17/2005	(377823)
65	05/17/2005	(377749)
66	05/20/2005	(347935)
67	05/24/2005	(374676)

68	05/31/2005	(393164)
69	05/31/2005	(377794)
70	06/07/2005	(394209)
71	06/07/2005	(392990)
72	06/13/2005	(377488)
73	06/13/2005	(377763)
74	06/13/2005	(377635)
75	06/17/2005	(395060)
76	07/05/2005	(393742)
77	07/05/2005	(380293)
78	07/13/2005	(397179)
79	07/13/2005	(397190)
80	07/26/2005	(400317)
81	08/01/2005	(393808)
82	08/04/2005	(402168)
83	08/04/2005	(401782)
84	08/13/2005	(402114)
85	08/14/2005	(380729)
86	08/16/2005	(396901)
87	08/16/2005	(403310)
88	08/16/2005	(348169)
89	08/16/2005	(402102)
90	08/16/2005	(337449)
91	08/25/2005	(401169)
92	08/31/2005	(401994)
93	08/31/2005	(338345)
94	10/13/2005	(431867)
95	11/03/2005	(434493)
96	11/04/2005	(432099)
97	11/04/2005	(432307)
98	11/04/2005	(418674)
99	11/04/2005	(404608)
100	11/15/2005	(435657)
101	12/02/2005	(418593)
102	01/17/2006	(450983)
103	01/18/2006	(438806)
104	01/19/2006	(439376)
105	02/03/2006	(440029)
106	02/06/2006	(437321)
107	02/21/2006	(455655)
108	02/23/2006	(455193)
109	03/28/2006	(450081)
110	03/31/2006	(455509)
111	04/12/2006	(461051)
112	04/28/2006	(454769)
113	05/03/2006	(464161)
114	05/11/2006	(464702)
115	05/30/2006	(466254)
116	06/16/2006	(482132)
117	07/14/2006	(464803)
118	07/28/2006	(483694)
119	08/30/2006	(482855)
120	08/31/2006	(454753)
121	08/31/2006	(466054)
122	10/10/2006	(512174)
123	11/06/2006	(515244)
124	11/15/2006	(515161)
125	11/18/2006	(517423)
126	12/19/2006	(512175)
127	12/28/2006	(395082)
128	12/28/2006	(273484)
129	01/04/2007	(533453)
130	01/25/2007	(531842)

131 01/25/2007 (535004)
 132 01/25/2007 (512183)
 133 01/25/2007 (531282)
 134 02/01/2007 (538514)
 135 02/02/2007 (538412)
 136 02/02/2007 (538987)
 137 02/02/2007 (539009)
 138 02/14/2007 (537911)
 139 03/20/2007 (540167)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/31/2003 (18943)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]

Description: FAILURE TO PREVENT AN UNAUTHORIZED DISCHARGE OF SULFUR.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)[G]

Description: Failure to maintain a record of each Satellite Accumulation Area.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter Q 335.474[G]

Description: Failure to update as necessary to assure that there never exists a time period for which a Source Reduction and Waste Minimization (SRWM) Plan is not in effect.

Date: 10/31/2003 (249936)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Date: 10/31/2003 (250091)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Date: 10/31/2003 (440137)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: PERMIT 6825A/PSD-TX-49, SC 35F
 Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Date: 12/02/2003 (252358)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02227
 Description: Visible Emissions from Marine Vapor Combustors MC-24 and MC-25 exceeded the 20% opacity limit on October 3, 2003.

Date: 02/13/2004 (258485)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent a nuisance condition within the Port Arthur area.

Date: 08/16/2004 (278807)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.100[G]
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A and PSD-TX-49, SC 1A
 PERMIT 6825A and PSD-TX-49, SC 3A
 PERMIT 6825A and PSD-TX-49, SC 4C

Description: Failure to properly operate Emergency Flare 15 (EPN: F15FLARE) on June 30, 2004.

Date: 08/27/2004 (283049)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov:	5C THC Chapter 382, SubChapter A 382.085(b)	
	PERMIT 6825A, SC 1A(4)	
	PERMIT 6825A, SC 3A	
	PERMIT PSD-TX-49, SC 1A(4)	
	PERMIT PSD-TX-49, SC 3A	
Description:	Failure to properly seal the end of a line containing HAPs/VOCs.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 28I PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 28I PERMIT PSD-TX-49, SC 3A	
Description:	Failure to perform the final repair within 15 days for 2 pumps.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 28I PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 1A(4) PERMIT PSD-TX-49, SC 28I PERMIT PSD-TX-49, SC 3A	
Description:	Failure to perform the final repair within 15 days for 4 leaking connectors.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 28J PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 1A(4) PERMIT PSD-TX-49, SC 28J PERMIT PSD-TX-49, SC 3A	
Description:	Failure to record the repair methods for several leaking components.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352[G] 5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failure to perform an extraordinary repair within thirty (30) days for a leaking valve.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352[G] 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 28I PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 1A(4) PERMIT PSD-TX-49, SC 28I PERMIT PSD-TX-49, SC 3A	
Description:	Failure to repair components on delay of repair before the end of the next process unit shutdown.	
Self Report?	NO	Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to maintain a list of identification numbers for all connectors located within the FCC 1241 Unit.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to perform the final repair within 15 days for the valve with Component ID #116023.
 Date: 12/09/2004 (337446)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.721(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to prevent visible emissions from the Marine Vapor Combustors for 13 minutes. B18
 Date: 02/02/2005 (342308)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to comply with the State's rule concerning nuisance.
 Date: 08/26/2005 (401169)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP FOP O-2227 General Terms and Conditions
 Description: Failure to report all instances of all deviations.
 Date: 08/31/2006 (482855)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-02228 Special Condition 13H
 Description: Failure to maintain proper documentation as listed in the Semiannual Deviation Report for FOP O-02228 dated May 25, 2005 to November 25, 2005 and November 26, 2005 to May 25, 2006.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT Flex Permit 6825A/PSD-TX-49 SC 37C
 OP O-02229, Special Condition 15
 Description: Failure to maintain proper documentation of CEMS data as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2004 to July 16, 2004.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) PERMIT Flex Permit 6825A/PSD-TX-49, SC 24A OP O-02229, Special Condition 15		
Description:	Failure to maintain Incinerator Firebox Temperature as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2004 to July 16, 2004.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(g) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02229, Special Condition 1D		
Description:	Failure to submit a semiannual report in a timely manner.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to maintain a 250 ppm SO2 emission limit at the sulfur recovery plant as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02229, Special Condition 3		
Description:	Failure to conduct a daily notation in the flare operation log as listed in the Semiannual Deviation Report for FOP O-02229 dated July 16, 2004 to January 15, 2005.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 6825A/PSD-TX-49, Special Condition 20C OP O-02229, Special Condition 15		
Description:	Failure to properly operate the H2S degasser for FOP O-02229 dated January 16, 2005 to July 16, 2005.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 64, SubChapter C, PT 64 64.7(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 6825A/PSD-TX-49, Special Condition 37C OP O-02229, Special Condition 14A OP O-02229, Special Condition 15		
Description:	Failure to complete a 15 minute cycle of CEMS data as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02229, Special Condition 1E		
Description:	Failure to record bypass valve position at least once per hour as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.352(2)[G] 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9[G] 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 6825A/PSD-TX-49, Special Condition 28I OP O-02229, Special Condition 15		
Description:	Failure to place on a shutdown list within 15 days of documenting a leak as listed in the Semiannual Deviation Report for FOP O-02229 dated July 16, 2005 to January 16, 2006.		

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	04/06/2005
CLEAN TEXAS PROGRAM	PARTNER	04/06/2005

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
THE PREMCOR REFINING GROUP INC.	§	
RN102584026	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0385-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Premcor Refining Group Inc. ("Premcor") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Premcor presented this agreement to the Commission.

Premcor understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Premcor agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Premcor.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Premcor owns and operates a petroleum refinery at 1801 Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted January 22, 2007 through January 25, 2007, TCEQ staff documented that Premcor failed to prevent unauthorized emissions. Specifically, during an emission event on February 20, 2006, over a period of 1 hour and 55 minutes, Flare 23 (Emission Point Number E-23-FLARE), emitted 28,090.76 pounds ("lbs") of sulfur dioxide ("SO₂"), 48.02 lbs of nitrogen oxides ("NO_x"), 346.66 lbs of carbon monoxide ("CO"), 35.33 lbs of particulate matter ("PM"), and 452.85 lbs of volatile organic compounds ("VOC"). The permit does not authorize any upset emissions. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222(b)(2) and (b)(3).
4. During an investigation conducted January 22, 2007 through January 25, 2007, TCEQ staff documented that Premcor failed to prevent unauthorized emissions. Specifically, during an emission event on February 21, 2006, over a period of 3 hours and 2 minutes, Flare 05 (Emission Point Number E-05-FLARE), emitted 2,823.20 lbs of SO₂, 0.54 lbs of NO_x, 3.87 lbs of CO, and 1.03 lbs of PM. The permit does not authorize any upset emissions. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222(b)(2) and (b)(3).
5. During an investigation conducted January 22, 2007 through January 25, 2007, TCEQ staff documented that Premcor failed to prevent unauthorized emissions. Specifically, during an emission event on April 19, 2006, over a period of 1 hour and 4 minutes, Flare 103 (Emission Point Number E-103FLARE), emitted 1,091.75 lbs of SO₂, 6.74 lbs of NO_x, 48.66 lbs of CO, and 4.17 lbs of PM. The permit does not authorize any upset emissions. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222(b)(2) and (b)(3).
6. During an investigation conducted January 22, 2007 through January 25, 2007, TCEQ staff documented that Premcor failed to prevent unauthorized emissions. Specifically, during an emission event on June 29, 2006, over a period of 52 minutes, Flare 22 (Emission Point Number E-22-FLARE), emitted 1,319.99 lbs of SO₂, 50.61 lbs of NO_x, 421.64 lbs of CO, 23.14 lbs of PM, 254.20 lbs of hydrogen sulfide ("H₂S"), and 15,528.6 lbs of VOC. The permit does not authorize any upset emissions. This day was cited as having exceeded the air quality index for ozone. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222(b)(2) and (b)(3).
7. During an investigation conducted January 22, 2007 through January 25, 2007, TCEQ staff documented that Premcor failed to prevent unauthorized emissions. Specifically, during an emission event on July 21, 2006, over a period of 1 hour and 3 minutes, Flare 19 (Emission Point Number E-19-FLARE), emitted 1,021.67 lbs of SO₂, 0.74 lbs of NO_x, 5.33 lbs of CO, 0.4 lbs of PM, 11.10 lbs of H₂S, and 6.61 lbs of VOC. The permit does not authorize any upset emissions. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222(b)(2) and (b)(3).

8. During an investigation conducted January 22, 2007 through January 25, 2007, TCEQ staff documented that Premcor failed to prevent unauthorized emissions and to prevent the discharge of SO₂ into the atmosphere from any Claus sulfur recovery plant containing in excess of 250 parts per million ("ppm") by volume. Specifically, during an emission event from July 27, 2006 through August 1, 2006, over a period of 116 hours and 48 minutes, SCOT-II Incinerator (Emissions Point Number E-02-SCOT) emitted 16,730.32 lbs of SO₂, 206.74 lbs of NO_x, 568.82 lbs of CO, and 29.10 lbs of PM. Flare 05 (Emission Point Number E-05-FLARE), emitted 11,807.21 lbs of SO₂, 2.22 lbs of NO_x, 16.02 lbs of CO, and 5.35 lbs of PM. The permit does not authorize any upset emissions. A review of SCOT-11 Incinerator's SO₂ Continuous Emission Monitoring Systems data documented 12 hour rolling average SO₂ concentrations greater than 250 ppm for the period July 27, 2006 through August 1, 2006. Since this emissions event was avoidable, Premcor failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222(b)(2) and (b)(3).
9. Premcor received notice of the violations on February 22, 2007.

II. CONCLUSIONS OF LAW

1. Premcor is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Premcor failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7); Federal Operating Permit ("FOP") O-02229, General Terms and Conditions ("GTC"), Special Terms and Conditions ("STC") 15A, New Source Review ("NSR") Flexible Permit 6825A/PSD-TX-49, Special Condition ("SC") 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, Premcor failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, Premcor failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, Premcor failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Findings of Fact No. 7, Premcor failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 122.143(4), 116.715(a) and (c)(7), FOP O-

02229, GTC, STC 15A, NSR Flexible Permit 6825A/PSD-TX-49, SC 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b).

7. As evidenced by Findings of Fact No. 8, Premcor failed to prevent unauthorized emissions and to prevent the discharge of SO₂ into the atmosphere from any Claus sulfur recovery plant containing in excess of 250 ppm by volume, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.780, 116.715(a) and (c)(7), 40 CODE OF FEDERAL REGULATIONS §§ 60.104(a)(2)(i) and 63.1568(a)(1), NSR Flexible Permit 6825A/PSD-TX-49, SCs 1A and 3B, and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Premcor for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of Fifty-Six Thousand One Hundred Sixty-Six Dollars (\$56,166) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Premcor has paid Twenty-Eight Thousand Eighty-Three Dollars (\$28,083) of the administrative penalty and Twenty-Eight Thousand Eighty-Three Dollars (\$28,083) shall be conditionally offset by Premcor's completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Premcor is assessed an administrative penalty in the amount of Fifty-Six Thousand One Hundred Sixty-Six Dollars (\$56,166) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Premcor's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2007-0385-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Premcor shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 9, Conclusions of Law section above, Twenty-Eight Thousand Eighty-Three Dollars (\$28,083) of the assessed administrative penalty shall be offset with the condition that Premcor implement the SEP defined

Attachment A, incorporated herein by reference. Premcor's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. Premcor shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, design and implement improvements to procedures to address the emissions events that occurred on February 20, 2006, February 21, 2006, April 19, 2006, June 29, 2006, July 21, 2006, and July 27, 2006 through August 1, 2006, and to prevent the reoccurrence of similar incidents.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon Premcor. Premcor is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Premcor fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other


catastrophe, Premcor's failure to comply is not a violation of this Agreed Order. Premcor shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Premcor shall notify the Executive Director within seven days after Premcor becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Premcor shall be made in writing to the Executive Director. Extensions are not effective until Premcor receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Premcor if the Executive Director determines that Premcor has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against Premcor in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/16/07
Date

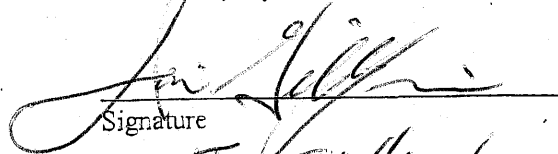
I, the undersigned, have read and understand the attached Agreed Order in the matter of The Premcor Refining Group Inc. I am authorized to agree to the attached Agreed Order on behalf of The Premcor Refining Group Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

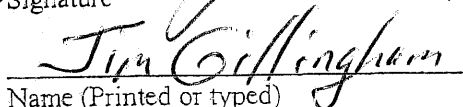
I understand that by entering into this Agreed Order, The Premcor Refining Group Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature


Name (Printed or typed)
Authorized Representative of
The Premcor Refining Group Inc.

7/6/07
Date
VP Regional Refining Ops
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section, at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-0385-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Payable Penalty Amount:	Fifty-Six Thousand One Hundred Sixty-Six Dollars (\$56,166)
SEP Amount:	Twenty-Eight Thousand Eighty-Three Dollars (\$28,083)
Type of SEP:	Pre-approved
Third-Party Recipient:	South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

The Premcor Refining Group Inc.
Agreed Order – Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

